IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

MONDAY, THE 18TH JUNE 2007 / 28TH JYAISHTA 1929

WP(C).No. 5215 of 2007(U)

PETITIONERS:

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1. THE SREENIVASAPURAM RESIDENTS WELFARE ASSOCIATION REG.NO.630/96, SREENIVASAPURAM VARKALA 145, REPRESENTED BY ITS SECRETARY S. GOPALAKRISHNAN.

2. THE JAMIYA MANNANIYA ISLAMIYA CHARITABLE SOCIETY REG.NO.497/66, SREENIVASAPURAM P.O., VARKALA REPRESENTED BY ITS SECRETARY, KADAKKAL ABDUL AZEEZ MAULAVI.

3. THE SREE RAMANANDASRAMAM SIVASAKTHI KSHETRAM TRUST (REG.NO.T.3133/02, SREENIVASAPURAM P.O., VARKALA REPRESENTED BY ITS PRESIDENT V. RATNAKUMAR.

4. THE NADAYARA MUSLIM JAMA-ATH WAKF BOARD REG.NO.E.3662/65, NADAYASRA, VARKALA, REPRESENTED BY ITS SECRETARY SAVAD.

5. S. CHANDRADAS, SUKHAGIRI BUNGLOW SREENIVASAPURAM VARKALA.

6. M. AMEER, SIMI MANZIL, SREENIVASAPURAM P.O., VARKALA.

7. K. SAMBASIVAN, SAJI NIVAS, SREENIVASAPURAM P.O., VARKALA.

BY ADV. SRI.S.GOPAKUMARAN NAIR

RESPONDENTS:

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1. VARKALA MUNICIPALITY, REPRESENTED BY THE SECRETARY, MUNICIPAL OFFICE, VARKALA.

2. KERALA STATE POLLUTION CONTROL BOARD
REPRESENTED BY THE MEMBER-SECRETARY,
PATTOM P.O., THIRUVANANTHAPURAM.

3. THE CHIEF ENVIRONMENTAL ENGINEER,
OFFICE OF THE KERALA STATE POLLUTION
CONTROL BOARD, PATTOM P.O.,
THIRUVANANTHAPURAM.

4. THE DISTRICT COLLECTOR,
THIRUVANANTHAPURAM.

5. THE DISTRICT MEDICAL OFFICER,
THIRUVANANTHAPURAM.

6. STATE OF KERALA, REPRESENTED BY
THE SECRETARY TO LOCAL SELF ADMINISTRATION,
GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM.

7. THE KASARAGOD SOCIAL SERVICE
SOCIETY REPRESENTED BY ITS SECRETARY,
NALKAP, EDANAD P.O., KUMBLA,
KASARAGOD DISTRICT.

ADDL.R-8. CENTRE FOR EARTH SCIENCE STUDIES, AAKKULAM,
THIRUVANANTHAPURAM, REPESENTED BY ITS DIRECTOR.

ADDL.R8 IS IMPLEADED AS PER ORDER DTD.29.3.2007 IN IA 4608/2007.

BY ADV. SRI.J.S.AJITHKUMAR
SRI.GEORGE MECHERIL
BY ADV. SRI.M.K.CHANDRAMOHAN DAS.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 18/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

S. SIRI JAGAN, J.

WP(C) NO.5215 OF 2007 - U

Dated this the 18th day of June, 2007

J U D G M E N T

This writ petition is filed against the establishment of a solid waste disposal plant by the Varkala Municipality. The petitioners' contention is two fold. First is that the area acquired for the same is not sufficient as per the directions of the Pollution Control Board. The second is that the area in question is fragile in the sense that if this plant is established there, the ground water would be polluted. In so far as the first contention is concerned, now the Government has accorded sanction to the Municipality by Ext.R1(f) to acquire additional land which, when completed, would be sufficient for the purpose. Regarding the second contention, the Pollution Control Board has filed a statement wherein it has been stated that if the Municipal authorities comply with the conditions issued by the Board, the air and water pollution problems may not occur.

2. In the above circumstances, nothing further needs to be done in this writ petition except to direct the Pollution Control Board to see that the Municipality establishes a plant in accordance with their directions.

The writ petition is disposed of as above.

S. SIRI JAGAN,
Judge

Mbs/

S.SIRI JAGAN, J

W.P.(C) NO. OF 2001

J U D G M E N T

DATED:01-06-2007